

REMARKS

Claims 1-44 are pending in the present Application. Claims 1, 4, 6, 9, 10, 12-14, 21, 24, 26, 29, 30, 32-34, and 41-44 currently stand rejected. In addition, claims 5, 7, 8, 11, 15-20, 25, 27, 28, 31, and 35-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, claims 1, 5, 7, 11, 15, 21, 25, 27, 31, 35, and 41-44 are amended herein. Reconsideration of the Application in view of the foregoing amendments and the following remarks is respectfully requested.

35 U.S.C. § 103

On page 2 of the Office Action, the Examiner rejects claims 1, 4, 6, 9, 10, 12-14, 21, 24, 26, 29, 30, 32-34, and 41-44 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,703,970 to Atashroo in view of U.S. Patent No. 6, 519,340 to Javidi. The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a) which requires that certain basic criteria must be met. In particular, Applicants submit that the cited prior art reference (or references when combined) should teach all the claim limitations recited by Applicants. The initial burden is therefore on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a). Applicants

submit that this burden has not been adequately met because the cited prior art fails to teach all of Applicants' claimed limitations.

Regarding the Examiner's rejection of independent claims 1, 21, and 41-44, Applicants respond to the Examiner's §103 rejections as if applied to similarly amended independent claims 1, 21, and 41-44. For example, claim 1 now recites *"said verification manager then combining said reference template and said transformed test image into a correlation image that is populated by referencing a lookup table,"* which are limitations that are not taught or suggested either by the cited references, or by the Examiner's citations thereto.

Atashroo teaches a basic technique for computing correlating images by utilizing a sequence of one-dimensional FFTs (see column 3, lines 24-63). However, Applicants submit that Atashroo nowhere teaches utilizing any type of "binarization procedure" in conjunction with the correlating images. In particular, Applicants submit that Atashroo fails to disclose utilizing a "binarization procedure" in conjunction with a "symmetrical reduction procedure," as claimed by Applicants.

On page 3 of the Office Action, the Examiner concedes that "Atashroo does explicitly teach . . . a binarization procedure converting a non-binary complex number format into a binary number format." Applicants concur. The Examiner then points to Javidi to purportedly remedy these deficiencies. Applicants respectfully traverse.

Javidi teaches an involved method and apparatus for encrypting optical images (see column 1, lines 50-65). However, Applicants submit that Javidi

nowhere teaches efficiently utilizing a specialized lookup table to derive a “correlation image” from a “reference template” and a corresponding “transformed test image.” Applicants further submit that Atashroo similarly fails to disclose utilizing any type of lookup table to derive a correlation image from a reference template and a transformed test image. For at least the foregoing reasons, Applicants submit that the rejections of independent claims 1, 21, and 41-44 are improper.

With further regard to claim 42, “means-plus-function” language is utilized to recite elements and functionality similar to those recited in claims 1 and 21, as discussed above. Applicants therefore incorporate those remarks by reference with regard to claim 42. In addition, the Courts have frequently held that “means-plus-function” language, such as that of claim 42, should be construed in light of the Specification. More specifically, means-plus-function claim elements should be *construed to cover the corresponding structure, material or acts described in the specification*, and equivalents thereof. Applicants respectfully submit that, in light of the substantial differences between the teachings of the cited references and Applicants’ invention as disclosed in the Specification, claim 42 is therefore not anticipated or made obvious by the teachings of the cited references.

Regarding the Examiner’s rejection of dependent claims 4, 6, 9, 10, 12-14, 24, 26, 29, 30, 32-34, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in

combination with the limitations of the respective independent claims, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claims 4, 6, 9, 10, 12-14, 24, 26, 29, 30, 32-34, so that these claims may issue in a timely manner.

With further regard to dependent claims 6, 9, 12, 26, 29, and 32, Applicants have amended each of these claims to recite “a single Fast Fourier Transform procedure” (emphasis added) to differentiate Applicants’ claimed invention from the process described in Atashroo. As described above, Atashroo teaches utilizing a sequence of one-dimensional FFTs. In particular, Atashroo utilizes a “first step (FIG. 3(b)) in which a real one-dimensional N-point FFT is used” and then utilizes a “second step” in which “a one-dimensional M-point FFT is used” (see column 4, lines 52-60). For at least these reasons, Applicants submit that Atashroo fails to anticipate Applicants claims 6, 9, 12, 26, 29, and 32.

For at least the foregoing reasons, the Applicants submit that claims 1, 4, 6, 9, 10, 12-14, 21, 24, 26, 29, 30, 32-34, and 41-44 are not unpatentable under 35 U.S.C. § 103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 1, 4, 6, 9, 10, 12-14, 21, 24, 26, 29, 30, 32-34, and 41-44 under 35 U.S.C. § 103.

On page 5 of the Office Action, the Examiner rejects claims 2, 3, 22, and 23 under 35 U.S.C. § 103(a) as being unpatentable over Atashroo and Javidi in view

of U.S. Patent No. 5,878,157 to Mukohzaka. The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined should teach all the claim limitations." The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 2, 3, 22, and 23, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

For at least the foregoing reasons, the Applicants submit that claims 2, 3, 22, and 23 are not unpatentable under 35 U.S.C. § 103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 2, 3, 22, and 23 under 35 U.S.C. § 103.

Allowable Subject Matter

On page 6 of the Office Action, the Examiner indicates that claims 5, 7, 8, 11, 15-20, 25, 27, 28, 31, and 35-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants therefore herein amend claims 5, 7, 11, 15, 25, 27, 31, and 35 in independent form including all of the limitations of the base claim and any intervening claims, to thereby place these claims in condition for immediate allowance. The remaining indicated claims depend from these amended claims, and therefore are also in condition for immediate allowance for at least the same reasons.

Summary

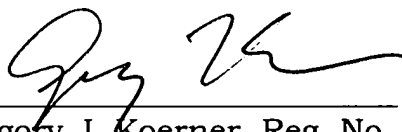
Applicants submit that the foregoing amendments and remarks overcome the Examiner's rejections under 35 U.S.C. §103(a). Because the cited references, or the Examiner's citations thereto, do not teach or suggest the claimed invention, and in light of the differences between the claimed invention and the cited prior art, Applicants therefore submit that the claimed invention is patentable over the cited art, and respectfully request the Examiner to allow claims 1-44, so that the present Application may issue in a timely manner. If there are any questions concerning this Response, the Examiner is invited to contact the Applicants' undersigned representative at the number provided below.

Respectfully submitted,

Date: _____

4/16/09

By: _____



Gregory J. Koerner, Reg. No. 38,519
Redwood Patent Law
1291 East Hillsdale Blvd., Suite 205
Foster City, CA 94404
Tel: (650) 358-4000